

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

LINDELL SWINSON,

Plaintiff,

v.

DEPARTMENT OF CORRECTIONS,
et al.,

Defendants.

Civil Action No. 07-26 Erie

MEMORANDUM ORDER

_____ Plaintiff's civil rights complaint was received by the Clerk of Court on February 21, 2007 and was referred to Chief United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Chief Magistrate Judge's oral Report and Recommendation, verbally entered on the record on November 13, 2007 [42] and [44], recommends that the Plaintiff's motion for a temporary restraining order [35] and motion for a preliminary injunction [36] be denied. The parties were advised at the time of the motion hearing that they had ten (10) days in which to file objections; however, no objections have been filed. After de novo review of the complaint and documents in the case, together with a transcription of the Report and Recommendation, the following order is entered:

AND NOW, this 4th day of January, 2008;

IT IS HEREBY ORDERED that the Plaintiff's motion for temporary restraining order [35] and motion for preliminary injunction [36] are DENIED.

The oral Report and Recommendation of Chief Magistrate Judge Baxter, entered on the record on November 13, 2007 [42] and [44], is adopted as the opinion of this Court.

s/ SEAN J. McLAUGHLIN

Sean J. McLaughlin
United States District Judge

cc: all parties of record
Chief U.S. Magistrate Judge Baxter